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WIND AND PRAIRIE TASK FORCE

Summary of Land Trusts and Other Conservation Mechanisms in Kansas

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The following summary was developed in response to the task force's charge "to review efforts for land trusts and mechanisms to preserve the prairie" (Charge #7) and was presented to the task force at the March 19 meeting.

Grassland Reserve Program

This voluntary program was authorized by the 2002 Farm Bill and is administered by the Natural Resources Conservation Service (NRCS) and USDA Farm Service Agency (FSA). The purpose is to help landowners and operators restore and protect rangeland, pastureland, and grassland, while maintaining the grazing operation.

The program offers permanent and 30-year easements, as well as 10-year, 15-year, 20-year, and 30-year rental agreements. In exchange for voluntarily limiting future use of the land, landowners receive payments from the USDA. If the NRCS determines that restoration is needed, a restoration agreement is incorporated within the rental agreement or easement.

In Kansas there were 1,070 applications for this program in 2003, covering 448,191 acres. Twelve proposals covering 6,390 acres were approved in 2003, with payments totaling \$2,237,980. To date, none have been funded.

More information is available at the USDA NRCS web site (<http://www.nrcs.usda.gov/programs/>).

Farm and Ranch Lands Protection Program

This government program, authorized by the 2002 Farm Bill, is a voluntary program that helps farmers and ranchers keep their land in agriculture. It provides matching funds to entities such as state, tribal or local governments and non-governmental organizations with existing farm and ranch land protection programs to purchase conservation easements. NRCS manages the program.

This program differs from the Grassland Reserve Program in several ways. This program includes cultivated farm land as well as rangeland. The landowner submits the application for a conservation easement to the governmental entity or non-governmental organization. If the application is approved, the USDA provides only matching funds. The actual conservation easement is held by the participating eligible entity.

In Kansas, examples of eligible non-governmental organizations include the Kansas Land Trust, the KLA Ranchland Trust, and The Nature Conservancy, which are described below.

Through 2002, more than 170,000 acres have been protected in 35 states. In Kansas, a total of four applications were approved during 2002-2003, covering 6,264 acres in Butler, Chase, and

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Riley Counties. The 2004 allocation for Kansas was \$835,000, but it appears these funds will likely be returned due to a lack of sponsoring organizations.

More information is available at the USDA NRCS web site (<http://www.nrcs.usda.gov/programs/>).

Kansas Livestock Association Ranchland Trust

The Kansas Livestock Association (KLA) Ranchland Trust has founded a separate, non-profit land trust that is currently awaiting its designation from the IRS as a charitable organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. This designation would allow the KLA Ranchland Trust to receive tax deductible donations of conservation easements.

The stated mission of the KLA Ranchland Trust is to preserve Kansas' ranching heritage and open spaces for future generations through the conservation of working landscapes. It is authorized to acquire, own, hold, protect, and defend conservation easements. This effort was in response to KLA members in the Flint Hills who expressed an interest in a rancher-landowner governed organization to assist landowners who are considering conservation easements for the long-term preservation of their working ranchlands.

A conservation easement is a legally recorded agreement or contract, between the landowner and another entity, which restricts the use of designated land for conservation purposes. Donors of conservation easements retain title to their property and voluntarily grant conservation easements to protect their land from future development.

Although each conservation easement is unique, in general, conservation easements generally restrict such uses as:

- development of subdivisions for residential or commercial activities,
- construction of nonagricultural buildings,
- nonagricultural commercial activities, and
- surface mining.

Examples of uses generally allowed include:

- continued agricultural use;
- construction of buildings, fences, water improvements, etc., necessary for agriculture and compatible with conservation objectives;
- sale, devise, gifting or other method of transferring parcels, subject to terms of the easement;
- landowner control of access; and
- additional family and employee residences compatible with conservation objectives.

The donation of an easement can qualify as a charitable contribution for income tax purposes if certain provisions are met. In general, it must be granted in perpetuity; it must provide a conservation purpose; it must be granted to a qualified organization; it must prohibit all surface mining and the resource data documenting the conservation values of the property must be collected prior to the donation of the easement.

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Current tax law restricts an easement donor's deductions to no more than 30% of their adjusted gross income in any year for up to 6 years. The Bush Administration has proposed legislation in both the House and the Senate to expand this deduction, but, to date, this legislation has not been successful.

The KLA Ranchland Trust has no funds to purchase conservation easements, but they have not ruled out future efforts to raise funds for specific conservation easement projects.

The Nature Conservancy

The Nature Conservancy is a national conservation organization whose stated mission is “to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.” Their methods include acquisition of private lands, assisting conservation-minded individuals in acquiring and protecting certain lands, and promoting the use of conservation easements.

The Nature Conservancy helped pioneer the concept of conservation easements in 1961 (see discussion of conservation easements in section on KLA Ranchland Trust). They now protect more than 2 million acres in the United States by conservation easements.

In Kansas, the Nature Conservancy has acquired land for conservation purposes:

- Cheyenne Bottoms Preserve (41,000 acres in Barton County)
- Smoky Valley Ranch (16,800 acres in Logan County)
- Konza Prairie (8,600 acres co-owned with Kansas State University in southern Riley and northern Geary counties)
- Flint Hills Tallgrass Prairie Preserve (2,188 acres in eastern Butler and western Greenwood counties)
- Welda Prairie Preserve (128 acres in Anderson County)

In addition, the Nature Conservancy, Kansas Chapter, has initiated a community-based conservation program, the Flint Hills Initiative, which employs “multiple strategies to abate the degradation of Flint Hills prairie.” The Conservancy is also a founding member of the Tallgrass Legacy Alliance, a diverse alliance of ranchers, agricultural and environmental organizations, and public agencies.

More information about The Nature Conservancy, Kansas Chapter is available online (<http://nature.org/wherework/northamerica/states/kansas/>).

Kansas Land Trust

The Kansas Land Trust (KLT) was founded in 1990 as a not-for-profit corporation to protect and preserve lands of ecological, scenic, historic, agricultural, or recreational significance in Kansas. As a land trust, the organization may utilize a variety of long-term protection mechanisms, but it primarily accepts conservation easements from willing landowners. KLT currently holds 15 conservation easements, protecting nearly 3,000 acres in eight counties. They processed 40 conservation easement inquiries in 2003, involving 42,000 acres in 25 counties. Fifteen of those inquiries are still progressing toward a conservation easement.

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In selecting easement candidates, KLT lists the following priorities:

- Lands that contain endangered, threatened or rare species or natural communities.
- Lands that contain, or have the potential to contain, ecosystems of educational or scientific value.
- Lands that are recognized to possess outstanding scenic qualities.
- Wetlands, floodplains, or other lands necessary for the protection of water quality.
- Prairies, woods, and other indigenous communities.
- Lands of agricultural, forestry, hydrological, geological, or wildlife habitat significance.
- Lands adjacent to, or encompassed within publicly owned or protected lands.
- Buffer areas adjacent to existing Kansas Land Trust lands or other protected lands.
- Lands within greenbelts or natural area corridors. KLT is particularly interested in protecting properties that are important for the movement of wildlife between habitats or through developed areas so that natural areas do not become isolated.

National Heritage Area

According to material from the National Park Service, “a National Heritage Area is a place designated by the United States Congress, where natural, cultural, historic, and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography.” This is a new kind of national designation, which seeks to preserve and celebrate many of America’s defining landscapes. Such a designation would entail a partnership between a local volunteer group and the National Park Service.

A state or local agency, a commission, or a private nonprofit corporation is designated as the management entity and empowered to create a management plan for the heritage area, and is authorized to receive Federal funds on the area’s behalf.

The National Park Service has outlined four critical steps that need to be taken prior to congressional designation of a national heritage area:

1. Completion of a suitability/feasibility study.
2. Public involvement in the suitability/feasibility study.
3. Demonstration of widespread public support among heritage area residents for the proposed designation.
4. Commitment to the proposal from key constituents, which may include governments, industry, and private, non-profit organizations, in addition to area residents.

More information about National Heritage Areas is available online (<http://www.cr.nps.gov/heritageareas/>).